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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/632,135	07/30/2003	Siani Lynne Pearson	B-5196 621146-3	1838
7590 07/26/2006 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER	
			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	
		DATE MAILED: 07/26/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
		10/632,135	PEARSON ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Samson B. Lemma	2132	
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address	
A SH WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANS INSTRUCTION OF THE	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timused and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	Lely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
2a)	Responsive to communication(s) filed on 30 Ju This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		
Dispositi	ion of Claims			
5)□ 6)⊠ 7)□	Claim(s) 1-35 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) 1-35 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.		
Applicati	ion Papers			
10)	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correcti The oath or declaration is objected to by the Example.	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).	
Priority ι	under 35 U.S.C. § 119			
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachmen	• •			
2) 🔲 Notic 3) 🔯 Inforr	te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date 12/03 & 07/03.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

DETAILED ACTION

1. Claims 1-35 have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 4. <u>Claim 16</u> is rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.
- 5. Claim 16 is directed a computer program for causing a programmable data processor execute the method of any of claims 1,14 and 15. The examiner asserts that the limitation of the claim raises a question as to whether or not the program is stored on an appropriate medium and perform the function recited on the body of the respective claims when the program is read and executed by the computer. The claim does not clearly establish a statuary category of the invention. Therefore the claim is a program per se and does not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which

Application/Control Number: 10/632,135

Art Unit: 2132

would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106 IV. B. 1(a).

Claim Rejections - 35 USC § 112

Page 3

- 6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 7. Claims 13-14 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13-14 and 34-34, recite the limitation "standard". "Standard's" are subjected to change due time and "TCPA" could have different standard at different time. Therefore, It has to be defined or replaced with another limitation in order to avoid ambiguity. For the purpose of examination, the limitation standard is not taken into account.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Application/Control Number: 10/632,135

Art Unit: 2132

9. <u>Claims 1-35</u> are rejected under 35 U.S.C. 102(b) as being anticipated by Jonathan Trostle (hereinafter refereed as Trostle) (U.S. Patent No. 5,919,257)

As per independent claims 1, 14-15, 17, 23 and 35 Trostle discloses a 10. method of validating the performance of a participant in an interactive computing environment, [Abstract] comprising Issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, [column 7, lines 57-59] (the server issues a first challenge by sending a trusted hash value that is expected to be generated at the participants computing device or workstation to a participant's computing devices or workstation by hashing selected executable program resident in the workstation if the selected executable programs have not been unauthorizedly changed this inherently implies that the step is done for the purpose of determining the trustworthiness of the workstation.) And if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device, [column 7, lines 61-62] (The server then issues a second challenge to the workstations/participant's computing device by sending a list of selected executable programs resident in the workstation to test the integrity of an application run on the workstation or the participants computing device) And then making a decision concerning the participant's involvement in the computing environment. [Column 7, lines 63-67] (The participant's/ workstations receives a second challenge of list of the selected executable programs resident in the workstation; then the workstation hashes the selected executable programs resident in the workstation to calculate a computed hash value. Finally the decision is made based on the comparison of said computed hash value to said

trusted hash value in order to detect illicit changes to the selected executable programs.)

- 11. As per claims 2-4, 18-20 and 24-26, Trostle discloses a method as applied to claims above. Furthermore Trostle discloses a method, in which the second challenge tests for modification of the application. [Column 7, lines 63-67] (receiving a list of the selected executable programs resident in the workstation; hashing the selected executable programs resident in the workstation to calculate a computed hash value; and comparing said computed hash value to said trusted hash value in order to detect illicit changes to the selected executable programs;)
- 12. As per claims 5-8, 21-22 and 27-28 Trostle discloses a method as applied to claims above. Furthermore Trostle discloses a method, in which in the first challenge the trustworthiness of the BIOS is validated. [Column 7, lines 28-33 and figure 1] [Referring again to FIG. 4, in step 89 the workstation compares a computed hash value against the trusted hash value. If the values are equal then illicit changes have not been made to the selected executables programs, and execution continues with step 90 which returns workstation execution to the system BIOS.)
- 13. As per claims 9-13,16, 29-34 Trostle discloses a method as applied to claims above. Furthermore Trostle discloses a method, in which the challenge is issued by a server [figure 1, ref. Num "12"] with which the participants computing device [figure 1, ref. Num "14-16] is in communication. [figure 1, ref. Num "18"] [column 7, lines 57-59] (the server issues a first challenge by sending a trusted hash value that is expected to be generated at the participants computing device or workstation to a participant's computing devices or workstation by hashing selected executable program resident in the workstation if the selected executable programs have not been unauthorizedly this inherently implies that the step is done for the purpose of

determining the trustworthiness of the workstation. Then the participant's computer/ workstation receives a second challenge of list of the selected executable programs resident in the workstation; then the workstation hashes the selected executable programs resident in the workstation to calculate a computed hash value. Finally the decision is made based on the comparison of said computed hash value to said trusted hash value in order to detect illicit changes to the selected executable programs.)

- 14. <u>Claims 1-35</u> is also rejected under 35 U.S.C. 102(b) as being anticipated by **Rothrock**, Lewis (hereinafter refereed as **Rothrock**) (European publication No. WO 01/0137067 A1) (Publication Date: 05/27/2001) (Provided with IDS)
- 15. As per claims 1-35 Rothrock discloses a method of validating the performance of a participant in an interactive computing environment, comprising issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device, and then making a decision concerning the participant's involvement in the computing. [See at least the abstract] (Secure linkage of first and second program modules so that they may authenticate each other and provide security for digital content accessed by one or more of the modules. The method includes storing at least one address of at least one function of the first program module in a file, calling the second program module by the first program module and passing the file to the second program module, verifying integrity by the second program module of the first program module, and calling, by the second program module, a selected function of the first program module using an address obtained from the file when integrity of the first program module is verified. In one embodiment, the first program module may be a digital content player application and the

second program module may be an integrity verification kernel for verifying the integrity of the player application. The file may be a signed binary description file including addresses of functions in the first program module.)

- 16. <u>Claims 1-35</u> is also rejected under 35 U.S.C. 102(b) as being anticipated by **Drake, Christopher** (hereinafter refereed as **Drake**) (European publication No. WO 97/04394) (Publication Date: 02/06/1997) (Provided with IDS)
- 17. As per claims 1-35 Drake discloses a method of validating the performance of a participant in an interactive computing environment, comprising issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device, and then making a decision concerning the participant's involvement in the computing. [See page 6-9, Aspect 3, "detecting tampering" and Aspect 4, "Preventing execution-tracing"]

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

Application/Control Number: 10/632,135 Page 8

Art Unit: 2132

phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L. 07/20/2006

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